



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,424	08/03/2000	Paul L. Hickman	NEO1P025 A	6696

22918 7590 07/21/2003

PERKINS COIE LLP  
P.O. BOX 2168  
MENLO PARK, CA 94026

EXAMINER

PATEL, AJIT

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/631,424

Applicant(s)

HICKMAN, PAUL L.

Examiner

AJIT G. PATEL

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10-13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,10-13,15-21,23 and 25 is/are rejected.
- 7) ☒ Claim(s) 22 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4-7,10-13,15,16,21,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhie et al Dilts et al.

Regarding claims 1,4-5,7,10-13,15,16,21 and 23, Rhie et al disclose method and apparatus for telephonically accessing and navigating the Internet comprising a plurality of touch-tone telephones capable of producing DTMF signals (lines 13-24, col. 2); a remote access system (14,15 of fig. 1) coupled to a TCP/IP network (20 of fig. 1), the TCP/IP network comprising a plurality of nodes, the TCP/IP network providing access to web pages stored on computer systems (lines 8-14, col. 3) coupled to the TCP/IP network, the web pages comprising HTML code that can be transmitted via TCP/IP packets to the access system over the TCP/IP network, the access system being able to receive the TCP/IP packets and to parse the HTML code into text and non-text portions (col. 3, line 66 through line 15, col. 4); a public telephone system (14 of fig. 1) coupling the plurality of telephones to the access system for interactive communication with the access system through one or more telephone switch offices such that at least one of the DTMF signals and voice commands can be used to navigate among the web pages to a selected web page for a plurality of users of the plurality of telephones after a user of a touch-tone telephone is granted permission to use such functionality (lines

Art Unit: 2664

22-24, col. 3; lines 13-24, col. 2); a security system requiring at least a password to grant the user permission (lines 29-30, col. 3); and a text-to-speech system associated with the access system for reading at least some of the text portions to at least one of the plurality of users of the selected web page (lines 5-15, col. 4). Rhie et al fails to disclose speech recognition. Dilts et al disclose speech recognition from telephonic navigation (lines 11-25, col. 9). Therefore it would have been obvious to one skilled in the art at the time of the invention was made would have been obvious to substitute Dilts et al speech recognition based navigation for the DTMF navigation of Rhie et al as an alternative navigation method. Further, the use of voice recognition based navigation can facilitate web browser by that physical impairment. For these reasons the use of voice recognition would have been obvious.

Regarding claim 6, Rhie et al disclose the limitation "wherein the access system is responsive to commands from the plurality of telephone users for navigating both within web pages and between web pages of the TCP/IP network (lines 14-20, col. 3).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhie et al.

Regarding claims 17-20, Rhie et al disclose method and apparatus for telephonically accessing and navigating the Internet comprising an access computer means coupled to a TCP/IP network, the access computer means being accessible by a user via a user touch-tone telephone which communicates with the access computer means via a public telephone system including at least one telephone switch office (14,15 of fig. 1); DTMF signals for providing at least one of user identification and a password to the access computer means (lines 29-30, col. 3); means for retrieving e-mail via the access computer means that was sent over the TCP/IP network and addressed to the user and means for reading the e-mail to the user of the user telephone (lines 22-24, col. 3).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Rhie et al in view of Dilts et al.

Rhie et al fails to disclose speech recognition. Dilts et al disclose speech recognition from telephonic navigation (lines 11-25, col. 9). Therefore it would have

been obvious to one skilled in the art at the time of the invention was made would have been obvious to substitute Dilts et al speech recognition based navigation for the DTMF navigation of Rhie et al as an alternative navigation method. Further, the use of voice recognition based navigation can facilitate web browser by those physical impairment. For these reasons the use of voice recognition would have been obvious.

7. Claims 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's arguments with respect to claims 1,4-7,10-13,15-21,23,25 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 703-308-5347. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Application/Control Number: 09/631,424

Page 6

Art Unit: 2664

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

AJIT PATEL  
July 15, 2003

*ajit patel*  
AJIT PATEL  
Art Unit 2664